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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,681	10/17/2003	Riku Pulli	47121-0086-00 (215742)	8300
55694 7590 12/22/2008 DRINKER BIDDLE & REATH (DC) 1500 K STREET, N.W. SUITE 1100 WASHINGTON, DC 20005-1209				
EXAMINER PRAKASAM, RAMYA G				
ART UNIT 3651		PAPER NUMBER		
MAIL DATE 12/22/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/686,681

**Applicant(s)**

PULLI ET AL.

**Examiner**

RAMYA G. PRAKASAM

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 12-19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. Claims 12-15, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (U.S. Patent No. 6,442,456) in view of Stentz (U.S. Patent No. 6,363,632).

Burns et al. '456 disclose a control system for automatically guide autonomous movements of a dumper truck 32 and a loading vehicle 10 (Figure 6). The controller maneuvers the dumper truck and the loading vehicle to a position that enables the loading of the dumper truck 32 by the loading vehicle 10. However, Burns et al. is silent as to the specifics of the actual loading of material into the dumper truck.

Stentz et al. '632 disclose an automated system for loading material autonomously from a loading vehicle to a dump truck (Figures 3 and 4). The system comprises means for locating the location of dump truck prior to the actual loading of said truck. The system comprises means for measuring the shape and height of the deposited load on the dump truck to facilitate subsequent material loading, and to enable an evenly distributed load (Figures 2 and 8-10).

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Burns et al. '456 with the material loading system per Stentz et al. '632 because it facilitates autonomous means for loading material into a dump truck.

It is obvious that the autonomously operated dumper truck would have to be stopped at a predetermined loading area to facilitate the loading of the truck.

In regards to claim 17, it is obvious that the loading vehicle could be guided to approach the dumper truck from any directions, including a transverse direction from the truck, as shown by Stentz et al. '632.

In regards to claim 21, it is obvious that the load within the autonomously driven dumper truck would have to be emptied at a predetermined area.

2. Claims 12 and 15-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns (U.S. Patent No. 6,442,456) in view of Baker (U.S. Patent No. 6,157,889).

Burns et al. '456 disclose a control system for automatically guide autonomous movements of a dumper truck 32 and a loading vehicle 10 (Figure 6). The controller maneuvers the dumper truck and the loading vehicle to a position that enables the loading of the dumper truck 32 by the loading vehicle 10. However, Burns et al. is silent as to the specifics of the actual loading of material into the dumper truck.

Baker '889 discloses an automated system for loading material autonomously from a loading vehicle to a dump truck. The system comprises means for locating the location of dump truck prior to the actual loading of said truck. The system comprises means for measuring the weight of the deposited load on the dump truck to facilitate subsequent material loading, and to enable an evenly distributed load.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Burns et al. '456 with the material loading system per Baker '889 because it facilitates autonomous means for loading material into a dump truck.

It is obvious that the autonomously operated dumper truck would have to be stopped at a predetermined loading area to facilitate the loading of the truck.

In regards to claim 17, it is obvious that the loading vehicle could be guided to approach the dumper truck from any directions, including a transverse direction from the truck.

3. Claims 12 and 15-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (U.S. Patent No. 6,157,889) in view of Burns (U.S. Patent No. 6,442,456).

Baker '889 discloses an automated system for loading material autonomously from a loading vehicle to a dump truck. The system comprises means for locating the location of dump truck prior to the actual loading of said truck. The system comprises means for measuring the weight of the deposited load on the dump truck to facilitate subsequent material loading, and to enable an evenly distributed load. However, it is silent as to the specifics of the dumper truck being autonomously controlled and driven.

Burns et al. '456 disclose a control system for guiding autonomous movements of dumper truck 32 and loading vehicle 10 (Figure 6) within the mining environment. Burns et al. '456 teach that the automatic operation of earthmoving equipments, i.e. dumps trucks and excavators, facilitates high productivity and safety.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Baker '889 with the autonomously driven dump truck because it facilitates higher productivity and safety, as taught by Burns et al. '456.

It is obvious that the autonomously operated dumper truck would have to be stopped at a predetermined loading area to facilitate the loading of the truck.

In regards to claim 17, it is obvious that the loading vehicle could be guided to approach the dumper truck from any directions, including a transverse direction from the truck.

4. Claims 12-15, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stentz (U.S. Patent No. 6,363,632) in view of Burns (U.S. Patent No. 6,442,456).

Stentz et al. '632 disclose an automated system for loading material autonomously from a loading vehicle to a dump truck (Figures 3 and 4). The system comprises means for locating the location of dump truck prior to the actual loading of said truck. The system comprises means for measuring the shape and height of the deposited load on the dump truck to facilitate subsequent material loading, and to enable an evenly distributed load (Figures 2 and 8-10).

Burns et al. '456 disclose a control system for guiding autonomous movements of dumper truck 32 and loading vehicle 10 (Figure 6) within the mining environment. Burns et al. '456 teach that the automatic operation of earthmoving equipments, i.e. dumps trucks and excavators, facilitates high productivity and safety.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Stentz et al. '632 with the autonomously driven dump truck because it facilitates higher productivity and safety, as taught by Burns et al. '456.

It is obvious that the autonomously operated dumper truck would have to be stopped at a predetermined loading areato facilitate the loading of the truck.

In regards to claim 17, it is obvious that the loading vehicle could be guided to approach the dumper truck from any directions, including a transverse direction from the truck.

#### ***Response to Arguments***

5. Applicant's arguments filed on 9/2/2008 have been fully considered but they are not persuasive.

6. In response to applicant's argument that the controller does not select a predetermined loading site in relation to a loading are for stopping the dumper in the loading area at the predetermined loading site, a recitation of the intended use of the claimed invention must result

in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMYA G. PRAKASAM whose telephone number is (571)272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art Unit  
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